

Minutes of Meeting

Hearing of Necessity

Wednesday, June 29, 2022

The Drainage Board for the Curtice & Branches Intercounty Drain met at the Beaverton High School, 3090 Crockett Rd., Beaverton, Michigan at 10:00 a.m. on Wednesday, June 29, 2022.

Present: Mike Gregg, MDARD, Chairman
Joe Sova, Midland County Drain Commissioner
Terry Walters, Gladwin County Drain Commissioner

Also Present: Lucy Zeestraten, Gladwin County Deputy Drain Commissioner
Norma Stuart, Midland County Deputy Drain Commissioner
Nick Czerwinski, Spicer Group
Stacy Hissong, FSB&R
Brittany Nichol, FSB&R
Joseph Brezvai, MDARD

Chairman Gregg called the meeting to order at 10:03 a.m. and introductions were made.

Terry Walters made a motion to elect Midland County to serve as secretary, seconded by Joe Sova.
Motion carried.

Joe Sova moved to approve the agenda. Terry Walters seconded the motion.
Motion carried.

Joe Sova made a motion to accept and file the minutes from May 25, 2022. Terry Walters seconded the motion.
Motion carried.

Chairman Gregg then read the petition, explained the location of the drain how we have gotten to the Hearing of Necessity. He also what would happen going forward if the project is determined necessary today.

Chairman Gregg then turned the meeting over to Nick Czerwinski to give an overview of the condition of the drain. Nick presented a powerpoint presentation and explained the process used to come up with the plan for improvements to the drain and what those improvements are. Main issues are heavy brush and sedimentation in the drain and many crossings that are failing and/or improper elevations of culverts. He explained the process of what would happen if the project moves forward and an estimated cost of the project, which is set at 3.2 million, but that a NRCS grant will help with a portion of the 3.2 million.

Chairman Gregg then explained the process for public comment and that the agenda stated 5 minutes per person not 3 minutes as was listed in the powerpoint presentation. Terry Walters made a motion to accept the 5 minutes for public comment instead of the 3 minutes as was presented in the presentation. Joe Sova seconded the motion.
Motion carried.

Chairman Gregg then opened up the public comment portion of the meeting.

Reilly Chase, 3265 W. Dana Rd. – He wanted to know if the culvert for Dana Dr. is going to be replaced. Nick responded that it was going to be replaced.

Keith Brooks, 2807 W. Coolidge Rd. – Stated that last year he dug out the gravel spilling over from the road culvert on Coolidge Rd. He has spent thousands of dollars to keep the water flowing through his property.

Priscilla Perkins, 5152 M-18 – Wants to know if an environmental study is going to be done, because of the increased water flow after the project. Nick explained that the project would be returning the drain back to its original grade and

design, so a study will not be needed. Ms. Perkins is concerned about the cost of the project and landowners ability to pay. Chairman Gregg explained that the cost is spread between the counties, MDOT, townships, and landowners in the drainage district.

Jerry Donley, 2723 Curtis Rd. – He thinks it is road work over the years that has deteriorated the drain over the years and the vegetation grown up in the ditches. He is concerned about the wildlife impact if the drain was cleaned out. He maintains the drain on his property and has always had good flow.

Michael Bommarito, 11342 Covered Bridge – He owns property that runs along M-18. His ditch flows good. He will get no benefit from this project being done. Because of the drain, he has 20 acres that is landlocked and that his property is high along the drain bank and that his water does not go into the drain. He is also concerned about the cost that will be placed on the landowners.

Stacy Hissong explained that the plan is a preliminary and that at this time a cost per landowner cannot be determined. She explained the assessment process, and that there are things that are not known at this time, such as requirements from MDOT, and that those costs for those items would be paid by MDOT. Stacy also explained the notification process going forward for the 197 and the Day of Review of Apportionments.

Joe Sova explained the methodology of determining assessments. He also touched of the topic of the available grant and that this grant will help make this project more affordable to the landowners.

Shirley Okoniewski, 3122 W. Dana Rd. – She is concerned about the culvert on Dana Dr. and if it is going to be replaced. There is only one way in and out to get to the houses on Dana Drive and if an emergency happens that fire trucks or an ambulance can't get to their houses. She wants to know if they will start the project at the Gladwin County line and work south into Midland. Joe Sova responded that the culvert for Dana Drive is slated for replacement. Nick explained that the project starts at the outlet of the drain and work upstream.

Mike Heilig, 2260 Curtis Rd. – He just recently purchased his property and wants to know where the spoils are going to go. That there are already spoil piles on his property along the drain from the last cleanout. His property is flooded because the spoil piles prevent the water from getting to the drain. He also asked about the trees being removed. He does not want to see the trees removed from both sides of the drain on his property.

Chris Aultman, 6151 N. M-18 – He wanted clarification of the project, that it only included the drain and not the ditches along M-18. The drain does not touch his property, so he will have no relief from this project being done. He has the Bliss Drain on the back side of his property. He does not think that he or his father will benefit from the drain. Joe Sova explained the assessment process and that Mr. Aultman will have the opportunity to come in and talk about his apportionment on the Day of Review. Mr. Gregg also explained that by cleaning out the Drain, the Road Commission or MDOT may clean out the road ditches because it would have a good outlet after the drain project is completed.

Cindy Mikulin, 4956 M-18 – She lives just south of Shafer Rd., is concerned about the water she will be receiving with the drain being cleaned out. She has a concrete bridge on her property that has fallen into the drain. Nick explained that after the hearing, he has a set of plans that they can look at that will show her property and the plans for the drain in that area.

Sheryl Ruhle, 4727 Weinert Rd. – She just inherited her mother's property and it shows no work to be done on that property. Nick explained that the no work was in reference to the culvert. That it would be cleaned out but was not being replaced, but that the drain would be cleaned out across her property. She also had questions as to where the drain begins. It was explained to her that the drain outlets into Mud Creek then eventually flows into the Tittabawassee River.

Keith Brooks, 2807 W. Coolidge Rd. – He stated that he has a conservation easement on his property and wants to know if the Drain Commission take precedence over that. Mr. Sova replied that yes it does.

Mary Bommarito – 2864 M-18 – Asked about the work being performed staying within the right of way of the drain. She also wants to know the ROW. Ms. Hissong explained that yes, it would still within the ROW and if any extra property is needed to perform the work, that the engineers would ask for a temporary or permanent easement. The easement for the Curtice ICD is 66' each side of the drain from the center of the drain.

Joe Sova then made a motion to close the public comment period, seconded by Terry Walters.
Motion carried.

Joe Sova and Terry Walters discussed the state of the drain, and the issues that have brought us to this point.

Joe Sova made a motion to find the project necessary, Terry Walters seconded the motion.
Motion carried.

Terry Walters made a motion that the proposed maintenance and improvement of the Curtice ICD benefits the public health of Beaverton and Tobacco Townships in Gladwin County, and Edenville and Warren Townships in Midland County be found necessary. Joe Sova seconded the motion.
Motion carried.

Joe Sova made a motion to hire Dickinson Wright for the bond consultant and Bendzinski & Bendzinski for financial advisor. Terry Walters seconded the motion.
Motion carried.

Chairman Gregg believes that interim borrowing will be needed. He recommended that a review be done with bond counsel as to their recommendations.

Joe Sova made a motion to adjourn, seconded by Terry Walters. Meeting adjourned at 12:23 p.m.

Respectfully submitted,

Joseph J. Sova
Midland County Drain Commissioner

